

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Environment and Natural Resources*

**LD 1208 An Act Concerning Pavement Sealing Products**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	ONTP OTP	

This bill prohibits the sale and use of coal tar sealant products beginning October 1, 2016.

**LD 1244 An Act To Amend Environmental Permitting Standards**

**PUBLIC 264**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HANLEY	OTP-AM	S-156 S-227 BREEN

This bill requires the Commissioner of Environmental Protection to issue a decision on an application for an expedited wind energy development within one year of the date the department accepts the application as complete. It repeals procedures related to the review of an application for a grid-scale wind energy development. It provides permitting requirements for small-scale wind energy developments. It requires parties to a water level dispute to attempt to resolve the matter through mediation before the department proceeds with an adjudicatory hearing. It establishes standards for microhydropower projects and requires the department to adopt rules ensuring that a microhydropower project will not have an undue adverse effect on the natural environment and will not violate water quality standards.

**Committee Amendment "A" (S-156)**

This amendment retains provisions from the bill that repeal procedures related to the review of an application for a grid-scale wind energy development and provide permitting requirements for small-scale wind energy developments. The amendment also retains the provision from the bill that allows the Department of Environmental Protection to charge parties to a water level dispute an appropriate licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, but the amendment sets a maximum fee of \$20,000. The amendment removes provisions from the bill that increase the time in which the Commissioner of Environmental Protection is required to issue a decision on an application for an expedited wind energy development from 185 days to one year, that establish standards and criteria for microhydropower projects and that require parties to a water level dispute to attempt to resolve the matter through mediation prior to an adjudicatory hearing.

**Senate Amendment "A" To Committee Amendment "A" (S-227)**

This amendment amends Committee Amendment "A" to remove the provision allowing the Department of Environmental Protection to charge parties to a water level dispute a licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, with a maximum fee of \$20,000. This amendment also amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. This amendment also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

*Joint Standing Committee on Environment and Natural Resources*

**Enacted Law Summary**

Public Law 2015, chapter 264 repeals procedures related to the review of an application for a grid-scale wind energy development and provides permitting requirements for small-scale wind energy developments. It amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

**LD 1303      An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund**

**PUBLIC 319  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-301

This bill combines current provisions of law related to the Ground Water Oil Clean-up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining two boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from two separate amounts for each product type into one.

**Committee Amendment "A" (S-301)**

This amendment adds an emergency preamble and emergency clause and retains all provisions from the bill except as follows:

1. It provides that the balance in the new Maine Ground and Surface Waters Clean-up and Response Fund is limited to \$18,500,000;
2. It provides that unrefined crude oil is not subject to the funding provision for the new Maine Ground and Surface Waters Clean-up and Response Fund that allows for fee increases when the fund balance falls to \$6,000,000 or less;
3. It provides additional specific fee information for reimbursement of fees imposed on transfers out of state;
4. It removes from the bill certain changes to the statutory standard deductible amounts for coverage of clean-up costs and eligible third-party damage costs under the new Maine Ground and Surface Waters Clean-up and Response Fund. It eliminates from the bill the section that transfers from the Board of Environmental Protection to the Clean-up and Response Fund Review Board the authority to adopt rules to determine the standards for assessing an applicant's ability to pay the deductible with respect to the applicant's personal residence; and
5. It amends certain provisions of the bill governing the appointment of members to the Clean-up and Response Fund Review Board.

The amendment also makes necessary changes to statutory cross-references and adds an appropriations and allocations section.